

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FONTRICK DOOR, INC.,

Plaintiff,

v.

ORDER  
10-CV-966A

JOHN FERGUSON  
and  
DML SYSTEMS, INC.,

Defendants..

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On January 10, 2012, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants' motion to dismiss the amended complaint be granted in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion to dismiss the amended complaint is granted in part.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: January 30, 2012